



TOWN OF HOPKINTON, NEW HAMPSHIRE RULES & REGULATIONS – PAY BY BAG ORDINANCE

ORDINANCE NO: 10-01

1.00 Authority

Pursuant to the authority of NH RSA 31:39, 47:17, 149-M, and Article 19 adopted at the March 13, 2010 Annual Town Meeting, and working in conjunction with the Town of Hopkinton Refuse Disposal Ordinance, the Board of Selectmen of the Town of Hopkinton do hereby enact the following:

2.00 Purpose

To implement a mandatory pay by bag program which proceeds shall be used to offset the cost of collection and disposal of residential solid waste at the transfer station.

3.00 Definitions

- 3.01 “Attendants” – Those person employed by the Town of Hopkinton who shall be given the authority by the Operator to enforce the terms of this ordinance and require compliance with any other rules and regulations pertaining to the transfer station.
- 3.02 “Commercial Haulers” – Anyone who hauls materials to the transfer station for others for a fee and has received the appropriate permit from the Board of Selectmen.
- 3.03 “Commercial Solid Waste” – Solid waste generated by stores, offices, restaurants, warehouses and other businesses.
- 3.04 “Hopkinton Bags” (Bags) – Specially marked bags designed for refuse as approved by the Town of Hopkinton, sold by the Town through various commercial/retail outlets.
- 3.05 “Industrial Solid Waste” – Solid Waste generated by manufacturing facilities within the Town.
- 3.06 “Operator” – Duly authorized agent running the day-to-day operation of the facility.

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- 3.07 “Residential Solid Waste” –solid waste derived from the normal and customary operation of residential households or dwelling units including single family detached homes, multi-family detached homes, mobile homes, condominiums, apartment buildings and other residential housing.

4.00 Disposal of Solid Waste

- 4.01 All Hopkinton residents directly disposing of Residential Solid Waste at the transfer station are required to dispose of it in Hopkinton Bags. Residential Solid Waste not in Hopkinton Bags shall not be accepted at the transfer station. (Residential Solid Waste picked up by a commercial hauler shall follow the “Commercial Hauler” requirements.)
- 4.02 Recyclables are to be separated and placed in designated areas as directed by the Transfer Station Attendants. These items do not need to be in Hopkinton Bags.

5.00 Hopkinton Bags

- 5.01 The retail price of bags covers fees associated with residential waste disposal and the cost of purchase and distribution of the bags. Retail price of the bags shall be set by the annual Town Meeting upon recommendation of the Board of Selectmen.
- 5.02 Bags are available in two sizes, 13 and 33 gallons. No other bags or containers shall be accepted for rubbish disposal.
- 5.03 Bags shall not be available at the Transfer Station. Bags are presently available at: (this list may change at the discretion of the Board of Selectmen without amendment to this ordinance)
- Colonial Village, 54 Park Avenue, Contoocook
 - The Cracker Barrel, 377 Main Street, Hopkinton
 - Mr. Mike’s, 891 Main Street, Contoocook
 - Aubuchon Hardware, Route 103, Warner
 - Concord Cooperative Market, 24 South Main Street, Concord
 - Hannaford’s Supermarkets, 73 Fort Eddy Road, Concord
 - Shaw’s Supermarket, 20 Fort Eddy Road, Concord
- 5.04 Bags shall be available at no or low cost, based on need, to low income residents through the Human Services Department. The number of bags allocated shall be based on the number used by a similar sized household which recycles.

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- 5.05 Bags shall be made available at no cost for roadside clean-ups performed by local service organizations and others as determined by the Board of Selectmen. Any unused bags shall be returned to the Town Hall.

6.00 Commercial Haulers

- 6.01 Commercial haulers are able to use the Hopkinton/Webster Transfer Station
- 6.02 Residential Solid Waste from Hopkinton residents delivered to the transfer station shall only be accepted in Hopkinton Bags. Residential Solid Waste from Hopkinton residents that is not in Hopkinton Bags shall not be accepted at the transfer station, unless a specific exception has been granted by the Board of Selectmen in accordance with Section 8. There shall be no tipping fee charged for Residential Solid Waste delivered to the transfer station in Hopkinton Bags by Commercial Haulers. The tipping fee for these loads shall be paid from bag revenue.
- 6.02.01 All loads from haulers shall be weighed on the truck scales. If on visual inspection by the attendant there is no significant loose trash and no significant trash in unauthorized bags, the load shall be designated as meeting the bag requirement.
- 6.03 There shall be no charge to commercial haulers for the disposal of recyclables, except for certain items with disposal fees as outlined in the Town of Hopkinton Refuse Disposal Ordinance.
- 6.04 Commercial haulers shall adhere to a strict separation of wastes as directed by the operator. No loads shall be accepted which are not properly separated.

7.00 Commercial or Industrial Waste

- 7.01 Any acceptable waste which is Commercial or Industrial Waste generated within the Town which is not in Hopkinton Bags, shall be charged a tipping fee as outlined in the Town of Hopkinton Refuse Disposal Ordinance
- 7.02 Those disposing of waste from commercial or industrial facilities within the Town shall pay the same rate to dispose of recyclables as residents. There is no charge except for certain items with disposal fees as outlined in the Town of Hopkinton Refuse Disposal Ordinance.
- 7.03 Those disposing of waste from commercial or industrial facilities within the Town shall adhere to a strict separation of wastes as directed by the operator. No loads shall be accepted which are not properly separated.

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- 7.04 Those wishing to dispose of waste from commercial or industrial facilities with the Town shall receive a permit to do so from the Board of Selectmen.

8.00 Exemptions

- 8.01 Where Commercial Solid Waste and Residential Solid Waste are co-mingled in a dumpster, such mixed solid waste shall be treated as Commercial Solid Waste and shall be exempted from the Hopkinton Bag requirements. Dumpsters containing such waste shall be accepted at the transfer station and charged a tipping fee as outlined in the Town of Hopkinton Refuse Disposal Ordinance

9.00 Penalties

- 9.01 Any person or business found to be violating any provision of this ordinance shall be deemed to be guilty of a violation and shall be fined not more than \$200.00 and upon a second conviction within a period of twelve months, shall in addition to any fine imposed, be denied the right to use said facility area for a period of time not to exceed twelve months.
- 9.02 Any person or business violating any of the provisions of this ordinance shall become liable to the Town of Hopkinton for any expense, loss or damage occasioned by the Town by reason of such violation.

10.00 Separability

- 10.01 If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of this Ordinance.

11.00 Ordinance in Force

- 11.01 This ordinance is in force effective September 1, 2010.
With amendments effective October 4, 2010.